

SENATE BILL 344

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K4

2004 Regular Session  
4r2235  
CF 4lr0782

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By: **Senators Stoltzfus, Brinkley, Currie, DeGrange, Dyson, Hafer, Haines,  
Hooper, Jacobs, Jones, Lawlah, McFadden, Munson, and Ruben**

Introduced and read first time: February 3, 2004

Assigned to: Budget and Taxation

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A BILL ENTITLED

1 AN ACT concerning

2 **Pensions - Deferred Retirement Option Programs - Eligibility**

3 FOR the purpose of allowing participation in the State Police Deferred Retirement  
4 Option Program (DROP) for certain members of the State Police Retirement  
5 System; allowing participation in the Law Enforcement Officers' DROP for  
6 certain members of the Law Enforcement Officers' Pension System; and  
7 generally relating to the eligibility and participation requirements of the State  
8 Police DROP and the Law Enforcement Officers' DROP.

9 BY repealing and reenacting, with amendments,  
10 Article - State Personnel and Pensions  
11 Section 24-401.1(c) and (d) and 26-401.1(c) and (d)  
12 Annotated Code of Maryland  
13 (1997 Replacement Volume and 2003 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - State Personnel and Pensions**

17 24-401.1.

18 (c) (1) Except [for the Secretary of the State Police] AS PROVIDED IN  
19 PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, a member of the State Police  
20 Retirement System is eligible to participate in the DROP if the member:

21 (i) has at least 22 and less than 28 years of eligibility service; and

22 (ii) is less than 60 years old.

23 (2) The Secretary of the State Police is eligible to participate in the  
24 DROP if the Secretary has at least 22 years of eligibility service.

25 (3) A CURRENT MEMBER OF THE STATE POLICE RETIREMENT SYSTEM IS  
26 ELIGIBLE TO PARTICIPATE IN THE DROP IF THE MEMBER:

1 (I) WAS A MEMBER OF THE STATE POLICE RETIREMENT SYSTEM  
2 ON OR BEFORE THE DATE THAT THE DROP BECAME AVAILABLE TO MEMBERS OF THE  
3 STATE POLICE RETIREMENT SYSTEM;

4 (II) HAD ACCRUED TOO MUCH ELIGIBILITY SERVICE AS OF THE  
5 DATE THAT THE DROP BECAME AVAILABLE TO MEMBERS OF THE STATE POLICE  
6 RETIREMENT SYSTEM TO PARTICIPATE IN THE DROP FOR 4 YEARS; AND

7 (III) IS LESS THAN 60 YEARS OLD.

8 (d) (1) [An eligible] IF A MEMBER IS ELIGIBLE TO PARTICIPATE IN THE  
9 DROP UNDER SUBSECTION (C)(1) OR (2) OF THIS SECTION, THE member may elect to  
10 participate in the DROP for a period not to exceed the lesser of:

11 [(1)] (I) 4 years;

12 [(2)] (II) the difference between 28 years and the member's eligibility  
13 service as of the date of the member's election to participate in the DROP and retire  
14 from the State Police Retirement System;

15 [(3)] (III) the difference between age 60 and the member's age as of the  
16 date of the member's election to participate in the DROP and retire from the State  
17 Police Retirement System; or

18 [(4)] (IV) a term selected by the member.

19 (2) IF A MEMBER IS ELIGIBLE TO PARTICIPATE IN THE DROP UNDER  
20 SUBSECTION (C)(3) OF THIS SECTION, THE MEMBER MAY ELECT TO PARTICIPATE IN  
21 THE DROP FOR A PERIOD NOT TO EXCEED THE LESSER OF:

22 (I) 4 YEARS;

23 (II) THE DIFFERENCE BETWEEN AGE 60 AND THE MEMBER'S AGE  
24 AS OF THE DATE THAT THE MEMBER ELECTED TO PARTICIPATE IN THE DROP; OR

25 (III) A TERM SELECTED BY THE MEMBER.

26 26-401.1.

27 (c) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
28 A member of the Law Enforcement Officers' Pension System is eligible to participate  
29 in the DROP if the member has at least 25 and less than 30 years of eligibility service.

30 (2) A CURRENT MEMBER OF THE LAW ENFORCEMENT OFFICERS'  
31 PENSION SYSTEM IS ELIGIBLE TO PARTICIPATE IN THE DROP IF THE MEMBER:

32 (I) WAS A MEMBER OF THE LAW ENFORCEMENT OFFICERS'  
33 PENSION SYSTEM ON OR BEFORE THE DATE THAT THE DROP BECAME AVAILABLE TO  
34 MEMBERS OF THE LAW ENFORCEMENT OFFICERS' PENSION SYSTEM; AND

1 (II) HAD ACCRUED TOO MUCH ELIGIBILITY SERVICE AS OF THE  
2 DATE THAT THE DROP BECAME AVAILABLE TO MEMBERS OF THE LAW  
3 ENFORCEMENT OFFICERS' PENSION SYSTEM TO PARTICIPATE IN THE DROP FOR 5  
4 YEARS.

5 (d) (1) [An eligible] IF A MEMBER IS ELIGIBLE TO PARTICIPATE IN THE  
6 DROP UNDER SUBSECTION (C)(1) OF THIS SECTION, THE member may elect to  
7 participate in the DROP for a period not to exceed the lesser of:

8 [(1)] (I) 5 years;

9 [(2)] (II) the difference between 30 years and the member's eligibility  
10 service as of the date of the member's election to participate in the DROP and retire  
11 from the Law Enforcement Officers' Pension System; or

12 [(3)] (III) a term selected by the member.

13 (2) IF A MEMBER IS ELIGIBLE TO PARTICIPATE IN THE DROP UNDER  
14 SUBSECTION (C)(2) OF THIS SECTION, THE MEMBER MAY ELECT TO PARTICIPATE IN  
15 THE DROP FOR A PERIOD NOT TO EXCEED THE LESSER OF:

16 (I) 5 YEARS;

17 (II) THE DIFFERENCE BETWEEN THE MANDATORY RETIREMENT  
18 AGE FOR THE MEMBER AND THE MEMBER'S AGE AS OF THE DATE THAT THE MEMBER  
19 ELECTED TO PARTICIPATE IN THE DROP; OR

20 (III) A TERM SELECTED BY THE MEMBER.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 July 1, 2004.